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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,488	02/25/2004	Seiichiro Yagi	02008.152001	3118
7590	08/08/2005			EXAMINER
Jonathan P. Osha, Esq. Rosenthal & Osha L.L.P. One Houston Center 1221 McKinney Street, Suite 2800 Houston, TX 77010			CHOI, JACOB Y	
			ART UNIT	PAPER NUMBER
			2875	
DATE MAILED: 08/08/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/786,488 Examiner Jacob Y. Choi	YAGI, SEIICHIRO Art Unit 2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 25 February 2004.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-4 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-4 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 25 February 2004 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1.) Certified copies of the priority documents have been received.
 2.) Certified copies of the priority documents have been received in Application No. _____.
 3.) Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>25 February 2004</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed 2/25/2004 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because Japanese Utility Model Application Publication No. 6-10880 was filed without translated abstract. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1).

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such

omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: it is unclear as to what the structural relationship is between a visible light source and an infrared light source nor the purpose, specifically for the infrared light source. The specification failed to disclose the purpose or the need for the infrared light combined with the white light source.

Claim Rejections - 35 USC § 102

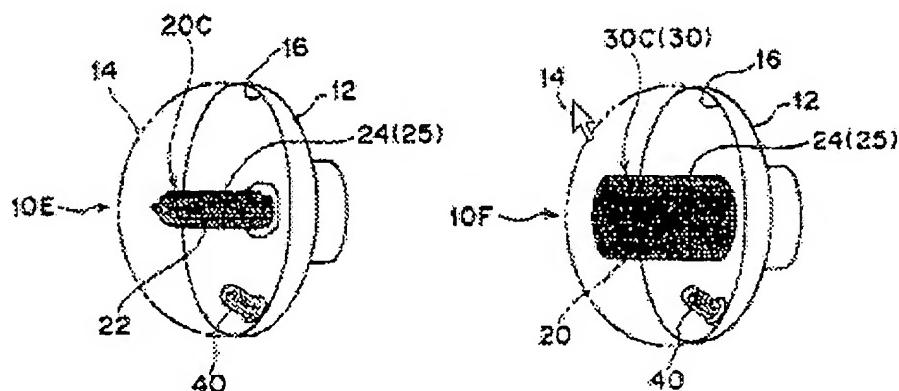
4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1 and 4 are rejected under 35 U.S.C. 102(e) as being anticipated by Kobayashi et al. (USPN 6,601,980).

Regarding claim 1, Kobayashi et al. discloses an infrared light source (24) for generating red light and infrared light, a visible light source (40) for generating visible light, of which wavelength is different from that of the red light, an optical system (10E or 10F) for emitting the red light and visible light towards a substantially same emission area in front of the vehicle (abstract; "*the infrared rays radiated from the infrared-ray radiation means and the visible rays radiated from the visible-ray radiation means are emanated from the front lens simultaneously when the lamp is lit*"), and a lighting circuit

for turning on the infrared light and visible light sources (e.g., columns 5-6, lines 55-20; the entire lamp is controlled by a lighting control circuit provided with a vehicle speed sensor) with strength in order that chromaticity in the emission area based on the red light and visible light can correspond to white light within a predetermined range in chromaticity coordinates (Figures 3, 5, 14).



Note: claims in a pending application should be given their broadest reasonable interpretation. *In re Pearson*, 181 USPQ 641 (CCPA 1974).

Regarding claim 4, Kobayashi et al. discloses the lighting circuit turns off the infrared light source, if speed of the vehicle is lower than a predetermined level (e.g., columns 5-6, lines 55-20 & Figures 3, 5, 14).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi et al. (USPN 6,601,980).

Regarding claim 3, Kobayashi discloses the claimed invention, except for the specific range of the X and Y coordinates for the lighting circuit to operate.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize an optimum ranges for the light circuit to operate the white light source and infrared light source, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

8. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi et al. (USPN 6,601,980) in view of Weidel (US 2002/0196639).

Regarding claim 2, Kobayashi discloses the claimed invention except for the specific types of light source(s).

Weidel teaches the infrared light source and visible source being a semiconductor/light emitting diodes ([0017]; claims 2 and 3).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize light emitting diodes instead of other conventional known light sources to benefit from its durability, life, and cost. Also, since applicant has not disclosed that utilizing well know light source such as light emitting diode(s) in the particular structure solves any stated problem or is for any particular purpose and it

appears that the invention would perform equally well with or without the light emitting diode(s).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Holz et al. (USPN 6,877,879) – process for improving the visibility in vehicles

Chen et al. (USPN 6,520,669) – flexible substrate mounted solid state light sources for exterior vehicular lighting

Harbers et al. (USPN 6,406,172)- headlamp and dynamic lighting system for vehicles

Schofield et al. (USPN 5,796,094) – vehicle headlight control using imaging sensor

Albou (US 2003/0072167) – elliptical headlamp including a secondary optical system

Machi et al. (US 2002/0075679) – dual mode visible and infrared light head

Rennick (USPN 6,909,376) – integrated vehicle light and object proximity sensor assembly

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob Y. Choi whose telephone number is (571) 272-2367. The examiner can normally be reached on Monday-Friday (10:00-7:00).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JC



JOHN ANTHONY WARD
PRIMARY EXAMINER